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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,145	04/15/2004	Yngve HAGBERG	7589.159.PCUS00	3144

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EXAMINER

KAPLAN, HAL IRA

ART UNIT	PAPER NUMBER
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2836

MAIL DATE	DELIVERY MODE
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03/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,145	Applicant(s) HAGBERG ET AL.	
	Examiner Hal I. Kaplan	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. PCT/SE02/01790.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US patent of Krishna (6,515,240) in view of the US patent of Bryceland (4,032,731).

As to claim 1, Krishna discloses a rotary light switch for vehicles, having a user-manipulable control element (11) configured to be oriented between a plurality of fixed rotational positions (91-95) for operating a plurality of different lighting groups (see column 5, lines 38-41; column 6, lines 49-53; and Figure 3). Krishna does not disclose a plurality of spring-loaded axial positions.

Bryceland discloses a switch having a user-manipulable control element (24) configured with a plurality of spring-loaded (54) axial positions, wherein a first spring-loaded axial position is activated by a pushing movement of the control element (24) from a neutral (central) position and a second spring-loaded axial position is activated by a pulling movement of the control element (24) from the neutral (central) position, the control element (24) being configured and arranged such that the spring-loaded nature of the first and second axial positions returns the control element (24) from the first axial position to the neutral position and returns the control element (24) from the second axial position to the neutral position when a user releases the control element (24) from the first and second axial positions, respectively (see column 2, lines 31-66; column 3, lines 22-38; and Figure 1). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have constructed a switch having both the rotary functionality of Krishna and the axial functionality of Bryceland for different

lighting functions, in order to increase the functionality of the switch so that additional switches are not needed.

As to claim 3, an activated axial position of the switch of Krishna is indicated by an illuminated symbol (20,91-95) (see column 2, lines 58-60; column 5, lines 32-41; column 6, lines 47-57; and Figure 3).

As to claim 9, the first and second axial positions of Krishna correspond to two different fog lamp functions (see column 6, lines 51-52 and 56-57).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishna in view of Bryceland as applied to claim 1 above, and further in view of the US patent of Schultz (3,500,120).

As to claim 2, Krishna in view of Bryceland disclose the functions of switched off, parking lights, and headlamps (see column 5, lines 38-40 and Figure 3), but do not disclose the function of headlamps with auxiliary light. Schultz discloses a switch wherein the switch positions correspond to lighting functions of switched off, parking lights, headlamps, and headlamps with auxiliary light (see column 6, lines 39-53 and column 7, lines 57-62). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the switch of Krishna in view of Bryceland to include the function of headlamps with auxiliary light, in order to allow a user to control auxiliary lights in conjunction with the headlamps.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishna in view of Bryceland as applied to claim 1 above, and further in view of the US patent of Williams et al. (4,900,946).

As to claim 10, Krishna in view of Bryceland disclose all of the claimed features, as set forth above, except for the claimed headlamp interrupt and marker interrupt functions. Williams discloses a switch wherein first and second positions correspond to the functions headlamp interrupt and marker interrupt (see column 2, lines 38-42). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have built the switch of Krishna in view of Bryceland with the axial positions corresponding to the functions headlamp interrupt and marker interrupt, in order to allow a user to control these functions without requiring an additional switch.

Allowable Subject Matter

7. Claims 11-21 allowed.

8. The following is an examiner's statement of reasons for allowance:

Claims 11-21 are allowed because, as noted in the Office action dated September 12, 2007, none of the prior art of record discloses or suggests the combination of :

(a) activating a first function by a first pushing movement in from a neutral position;

(b) deactivating the first function by a second pushing movement in from the neutral position;

(c) activating a second function by a first pulling movement in from the neutral position; and

(d) deactivating the second function by a second pulling movement out from the neutral position;

in combination with the remaining claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2836

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Sherry/
Supervisory Patent Examiner, Art Unit 2836

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